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AN ACT

RELATING TO MOTOR VEHICLE LICENSING; PROVIDING AN EXCEPTION TO NIGHT DRIVING REQUIREMENTS FOR PROVISIONAL LICENSE HOLDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-8 NMSA 1978 (being Laws 1978, Chapter 35, Section 230, as amended) is amended to read:

"66-5-8. PROVISIONAL LICENSES--INSTRUCTION PERMITS--DRIVER EDUCATION STUDENTS--TEMPORARY LICENSES.--

A. A person fifteen years and six months of age or older who has completed a driver education course that includes a DWI prevention and education program approved by the bureau or offered by a public school, who has had an instruction permit for at least six months, and who has successfully completed a practice driving component may apply to the division for a provisional license. Successful completion of a practice driving component shall include not less than fifty hours of actual driving by the applicant, including not less than ten hours of night driving. An applicant for a provisional license who cannot drive at night due to low nighttime vision may be exempted from the night driving requirement of this subsection; provided that the applicant submits to the division an ophthalmologic or optometric report from a licensed ophthalmologist or

1 optometrist who attests to the applicant's visual condition
2 and its effect on the applicant's driving ability. The
3 applicant's parent or guardian shall certify that the
4 applicant has completed the practice driving component.

5 B. When operating a motor vehicle, a provisional
6 licensee may be accompanied by not more than one passenger
7 under the age of twenty-one who is not a member of the
8 licensee's immediate family. A provisional license entitles
9 the licensee, while having the license in his immediate
10 possession, to operate a motor vehicle upon the public
11 highways between the hours of 5:00 a.m. and midnight unless
12 the provisional licensee is eligible for a license
13 restricting driving to daylight hours. A provisional
14 licensee may drive at any hour unless otherwise restricted as
15 provided in this subsection if:

16 (1) accompanied by a licensed driver twenty-
17 one years of age or older;

18 (2) required by family necessity as
19 evidenced by a signed statement of a parent or guardian;

20 (3) required by medical necessity as
21 evidenced by a signed statement from medical personnel;

22 (4) driving to and from work as evidenced by
23 a signed statement from the licensee's employer;

24 (5) driving to and from school or a
25 religious activity as evidenced by a signed statement of a

1 school or religious official or a parent or guardian; or

2 (6) required due to a medical emergency.

3 C. A provisional license shall not be issued to a
4 person convicted of a traffic violation in the ninety days
5 prior to applying for a provisional license. A provisional
6 license shall be in such form as to be readily
7 distinguishable from an unrestricted driver's license and
8 shall contain an indication that the licensee may drive
9 without supervision.

10 D. A person fifteen years of age or older who is
11 enrolled in and attending or has completed a driver education
12 course that includes a DWI prevention and education program
13 approved by the bureau or offered by a public school may
14 apply to the division for an instruction permit. The
15 division, in its discretion after the applicant has
16 successfully passed all parts of the examination other than
17 the driving test, may issue to the applicant an instruction
18 permit. This permit entitles the applicant, while having the
19 permit in his immediate possession, to drive a motor vehicle
20 upon the public highways for a period of six months when
21 accompanied by a licensed driver twenty-one years of age or
22 older who has been licensed for at least three years in this
23 state or in another state and who is occupying a seat beside
24 the driver except in the event the permittee is operating a
25 motorcycle.

1 E. A person fifteen years of age or older who is a
2 student enrolled in and attending a driver education course
3 that is approved by the bureau or offered by a public school
4 and that includes both a DWI education and prevention
5 component and practice driving component may drive a motor
6 vehicle on the highways of this state even though he has not
7 reached the legal age to be eligible for a driver's license
8 or a provisional license. In completing the practice driving
9 component, a person may only operate a motor vehicle on a
10 public highway if:

11 (1) an approved instructor is occupying a
12 seat beside the person; or

13 (2) a licensed driver twenty-one years of
14 age or older who has been licensed for at least three years
15 in this state or another state is occupying a seat beside the
16 person.

17 F. The division in its discretion may issue a
18 temporary driver's permit to an applicant for a driver's
19 license permitting him to operate a motor vehicle while the
20 division is completing its investigation and determination of
21 all facts relative to the applicant's right to receive a
22 driver's license. The permit shall be in his immediate
23 possession while operating a motor vehicle, and it shall be
24 invalid when the applicant's license has been issued or for
25 good cause has been refused.

1 G. A holder of an instruction permit for a
2 motorcycle shall not carry any other passenger while
3 operating a motorcycle."

4 Section 2. Section 66-5-19 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 241) is amended to read:

6 "66-5-19. RESTRICTED LICENSES.--

7 A. The division, upon issuing a driver's license,
8 or a provisional license has authority, whenever good cause
9 appears, to impose restrictions, including the shortening of
10 the licensure period suitable to the licensee's driving
11 ability with respect to the type of or special mechanical
12 control devices required on a motor vehicle that the licensee
13 may operate or such other restrictions applicable to the
14 licensee as the division may determine to be appropriate to
15 assure the safe operation of a motor vehicle by the licensee.
16 At age seventy-five and thereafter, the applicant shall renew
17 the applicant's license on a yearly basis at no cost to the
18 applicant.

19 B. The division may either issue a special
20 restricted license or may set forth such restrictions upon
21 the usual license form.

22 C. The division may issue a restricted license or
23 a restricted provisional license for driving during daylight
24 hours only to some visually handicapped persons who fail the
25 usual eyesight test. The health standards advisory board

1 created pursuant to the provisions of Section 66-5-6 NMSA
2 1978 shall evaluate the extent of the visual handicap and its
3 effect on the driving ability of the applicant and, based on
4 its recommendations, the director may issue a restricted
5 license under the following conditions:

6 (1) the applicant has no record of moving
7 violations;

8 (2) the necessity of the license is shown to
9 the satisfaction of the director; and

10 (3) the applicant satisfies the provisions
11 of Section 66-5-206 NMSA 1978 relating to proof of financial
12 responsibility.

13 D. The division may, upon receiving satisfactory
14 evidence of any violation of the restrictions of the license,
15 suspend the license, but the licensee is entitled to a
16 hearing as upon a suspension under Sections 66-5-1 through
17 66-5-47 NMSA 1978.

18 E. It is a misdemeanor for any person to operate a
19 motor vehicle in any manner in violation of the restrictions
20 imposed in a restricted license issued to the person."_____

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